

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART III

OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES

CHAPTER 251 WAIKIKI AND KAAHAPALI OCEAN WATERS

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§13-251-76 Commercial Activities

Historical note. This chapter is based on catamaran captain, canoe captain, canoe second captain and surfboard instructor permits, owners of for-rent surfboards and passengers carrying vessels--proof of financial responsibility, registrations rules of the road, special operating restrictions and soliciting prohibited in or on Waikiki shore waters of the Hawaii Shore Waters Rules, effective November 6, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

SUBCHAPTER 1

CATAMARAN CAPTAIN, CANOE CAPTAIN, CANOE SECOND  
CAPTAIN, SURFBOARD INSTRUCTOR, SAILBOARD INSTRUCTOR  
AND COMMERCIAL MOTORBOAT OPERATOR PERMITS

§13-251-1 Permits  
§13-251-2 What persons shall not receive permits

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- §13-251-3 Special restrictions
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- §13-251-10 Expiration of operator permit
- §13-251-11 Records to be kept by the department
- §§13-251-12 to 13-251-15 (Reserved)

§13-251-1 Permits. Catamaran captains, canoe captains, canoe second captains, surfboard instructors, sailboard instructors and commercial motorboat operators shall have an operator permit.

(a) No person shall navigate a catamaran or canoe as catamaran captain, canoe captain, or canoe second captain on a vessel carrying passengers for hire, or operate as a surfboard or sailboard instructor for compensation in or upon Waikiki or Kaanapali ocean waters unless the person has a valid permit under this part.

(b) No person shall navigate a commercial motorboat in or upon Kaanapali ocean waters unless the person has a valid permit under this part.

(c) No permit is required for captains navigating catamarans carrying passengers for hire who, while cruising, enter Waikiki or Kaanapali ocean waters other than restricted waters described in sections 13-251-57 and 13-251-58, and do not load or unload passengers in or on Waikiki or Kaanapali ocean waters or shores. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-2 What persons shall not receive permits. The department shall not issue an operator permit to any person:

- (1) Who is under the age of twenty-one years for a catamaran captain or commercial motorboat operator, or under the age of twenty years for a canoe captain, or under the age of eighteen for a canoe second captain, or surfboard or sailboard instructor;
- (2) Whose permit has been suspended or revoked, while the suspension or revocation is in effect;
- (3) Who is a habitual drunkard, or a habitual user of narcotic or other drugs, to a degree which renders the person incapable of safely operating as a permittee;
- (4) Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency as provided by law, such as to render the person incapable of safely operating as a permittee;
- (5) Who is required by this chapter to pass an examination or re-examination and has failed to do so; or
- (6) Who the chairperson has good cause to believe is incapable of operating as a permittee without substantially jeopardizing public safety and welfare. [Eff 2/24/94]  
(Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-3 Special restrictions. (a) The department, upon issuing an operator permit, shall indicate thereon the class of permit so issued and shall appropriately examine each applicant according to the class.

(b) The department shall not issue a catamaran captain permit unless the applicant has a valid Coast Guard license to operate sailing catamarans carrying

passengers for hire, and has a minimum of ninety working days catamaran sailing experience in Waikiki ocean waters, Zone A, or Kaanapali ocean waters, as appropriate, attested to by two persons holding valid catamaran captain permits issued by the department.

(c) The department shall not issue a canoe captain permit unless the department is fully satisfied as to the applicant's competency and fitness to receive the permit, and the applicant has a minimum of three years experience in canoe handling, possesses a current Red Cross advanced life saving certificate, knows elementary first aid, and is physically qualified to perform the duties the position requires, as evidenced by a written report of a physician's physical examination made no earlier than thirty days prior to the effective date of the permit.

(d) The department shall not issue a canoe second captain's permit unless the department is fully satisfied as to the applicant's competency and fitness to receive the permit, and the applicant has a minimum of eighteen months experience in canoe handling, possesses a current Red Cross advanced life saving certificate, knows elementary first aid, and is physically qualified to perform the duties the position requires, as evidenced by a written report of a physician's examination made no earlier than thirty days prior to the effective date of the permit.

(e) The department shall not issue a senior surfboard instructor's permit or a sailboard instructor's permit unless the department is fully satisfied as to the applicant's competency and fitness to receive the permit, and the applicant has a minimum of three years surfboard or sailboard riding experience, as appropriate, possesses a current Red Cross advanced life saving certificate, knows elementary first aid, and is physically qualified to perform the duties the position requires, as evidenced by a written report of a physician's examination made no earlier than thirty days prior to the effective date of the permit.

(f) The department shall not issue a primary surfboard instructor's permit unless the department is

fully satisfied as to the applicant's competency and fitness to receive the permit, and the applicant has a minimum of three years surfboard riding experience, possesses a current Red Cross advanced life saving certificate (on application for original permit only), knows elementary first aid, and is physically qualified to perform the duties the position requires, as evidenced by a written report of a physician's examination made no earlier than thirty days prior to the effective date of the permit.

(g) A primary surfboard instructor's permit for Waikiki shall entitle the permittee to instruct only in waters five feet or less in depth at mean low water and not in the outer surfbreak area. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-4 Learner steersperson permits. Any person who is at least seventeen years of age may apply to the department for a learner steersperson permit. After the applicant has passed all parts of the applicable examination other than a canoe surfing test, the department may issue to the applicant a learner steersperson permit which shall entitle the applicant to navigate a canoe, registered by the department and not carrying passengers for hire, in or upon Waikiki or Kaanapali ocean waters as appropriate. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-5 Application for operator permit. (a) Every application for an operator permit shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass any examination within a period of six months from the date of application.

(b) Every application shall include the full name, aliases, date of birth, sex, and resident address of the applicant and briefly describe the applicant, and the applicant's experience related to



the vessel, surfboard, or sailboard the applicant wishes to use or operate. The application shall state whether the applicant has been issued a permit and, if so, when and whether the permit has ever been suspended or revoked, or whether an application has ever been refused and, if so, the date and reason for the suspension, revocation, or refusal. Two recent photographs shall be attached to the application. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-6 Examination of applicants. (a) The department shall examine every applicant for an operator permit, except as otherwise provided in this section. The examination shall include a test of the applicant's knowledge of this chapter and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of catamarans, canoes, surfboards, sailboards, or commercial motorboats, as the case may be, and such further written, physical, and mental examination as the department feels is necessary to determine the applicant's fitness to operate a catamaran, canoe, surfboard, sailboard, or motorboat safely upon the Waikiki or Kaanapali ocean waters as appropriate; provided that applicants for learner steersperson permits shall not be required to pass the canoe surfing test.

(b) The department may issue without examination an operator permit to any person applying therefore who furnished evidence satisfactory to the department that the person is not disqualified under this chapter and that the person has previously been issued an operator permit by the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-7 Operator permits issued to catamaran captains, canoe captains, canoe second captains, surfboard instructors, sailboard instructors and

commercial motorboat operators. (a) An operator permit when issued by the department shall bear a distinguishing number assigned to the permit, the full name, date of birth, residence address, and brief description of the permittee, and a space upon which the permittee shall sign in ink the permittee's name immediately upon receipt of the permit. No permit shall be valid until it has been so signed by the permittee.

(b) Every operator permit shall bear the permittee's photograph showing the permittee's facial features, which shall be furnished by the permittee. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-8 Operator permit to be carried on board and exhibited upon demand. Every permittee shall have the operator permit in the operator's immediate possession or at a place for safekeeping in the immediate vicinity at all times when operating as a permittee and shall display the same upon demand of a lifeguard, peace officer, or representative of the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-9 Duplicate certificate. In the event that an operator permit issued under this subchapter is lost or destroyed, the permittee may obtain a duplicate or substitute thereof, upon payment of the required fee, as provided by chapter 13-253, obtain a duplicate or substitute thereof. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-10 Expiration of operator permit. Every operator permit shall expire three years after its issuance. Application for a new permit shall be made as provided in section 13-251-5. The department may in its discretion, as provided in section 13-251-6,

waive examination for renewal of a permit. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-11 Records to be kept by the department.

(a) The department shall file every application for a permit received by it and shall maintain suitable records concerning permits issued.

(b) The department shall file upon receipt, all accident reports and abstracts of records of convictions for violating this chapter. The department shall also maintain convenient records or make suitable notations so that an individual record of each licensee, showing the licensee's convictions and accidents, shall be readily ascertainable and available for the consideration by the department upon any application for renewal of license or permit and at other suitable times. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§§13-251-12 to 13-251-15 (Reserved)

SUBCHAPTER 2

SUSPENSION OR REVOCATION OF PERMITS

§13-251-16 Authority of department to revoke operator permit

§13-251-17 Authority of department to suspend operator permit

§13-251-18 Department may require re-examination

§13-251-19 Period of suspension or revocation

§13-251-20 Surrender and return of operator permit

§§13-251-21 to 13-251-25 (Reserved)

§13-251-16 Authority of department to revoke operator permit. (a) The department may revoke any operator permit upon determining that the permittee failed to give the required or correct information in the application, committed any fraud in making such application, or repeatedly violated section 13-251-17.

(b) Upon revocation, the department shall immediately notify the permittee in writing and upon written request shall afford the permittee full and reasonable opportunity for a hearing. [Eff 2/24/94]  
(Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-17 Authority of department to suspend operator permit. (a) The department may suspend the operator permit of a catamaran captain upon sufficient evidence that the permittee does not have a valid Coast Guard license.

(b) The department may suspend the operator permit of a canoe captain, second captain, surfboard instructor, sailboard instructor, operator of a commercial motorboat or learner steersperson upon sufficient evidence that the permittee:

- (1) Has been convicted of violations of this chapter in such frequency and seriousness as to indicate a disregard for the safety of other persons on the waters;
- (2) Is incompetent to operate canoes, surfboards, sailboards or motorboats for charter or rent, as the case may be;
- (3) Has permitted an unlawful or fraudulent use of the permittee's license or permit; or
- (4) Has violated this chapter.

(c) Upon suspension, the department shall immediately notify the permittee in writing and upon a written request shall afford the permittee full and reasonable opportunity for a hearing. [Eff 2/24/94]  
(Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-18 Department may require re-examination. The department upon written notice of at least five days to the permittee, may require the permittee to submit to an examination if the department has good cause to believe that a permittee is incompetent or otherwise not qualified to retain an operator permit. Upon the conclusion of the examination, the department shall take action as may be appropriate and may suspend or revoke the permit of that person or may issue a permit subject to restriction. Refusal or neglect of the permittee to submit to this examination shall be grounds for suspension or revocation of the permit. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-19 Period of suspension or revocation.  
(a) The department shall not suspend an operator permit for a period of more than one year, except as provided under section 13-251-27.

(b) Any person whose operator permit had been revoked shall not be entitled to have that permit or privilege renewed or restored unless the revocation was for a cause which has been remedied, except that after one year from the date on which the revoked permit was surrendered to and received by the department, the person may apply for a new permit as provided by this chapter. However, the department shall not issue a new permit unless it is satisfied, after investigation, with the character and ability of the person. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-20 Surrender and return of operator permit. The department, upon suspending or revoking an operator permit, shall require that the permit be surrendered to and be retained by the department, except that at the end of the suspension, the surrendered permit shall be returned to the permittee.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§§13-251-21 to 13-251-25 (Reserved)

### SUBCHAPTER 3

#### VIOLATION OF OPERATOR PERMIT PROVISIONS

§13-251-26 Unlawful use of operator permit  
§13-251-27 Operating while operator permit suspended  
or revoked  
§13-251-28 Permitting unauthorized person to operate  
catamaran or canoe  
§13-251-29 to §13-251-30 (Reserved)

§13-251-26 Unlawful use of operator permit. No person shall:

- (1) Display, cause or permit to be displayed, or have in the person's possession, any cancelled, revoked, suspended, fictitious, or fraudulently altered permit;
- (2) Lend the person's permit to any other person or knowingly permit the use thereof by another;
- (3) Display or represent as one's own, any permit not issued to oneself;
- (4) Fail or refuse to surrender any departmental permit to the department upon its lawful demand;
- (5) Permit any unlawful use of a permit issued to that person;
- (6) Do any act forbidden, or fail to perform any act required, by this chapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-27 Operating while operator permit suspended or revoked. (a) No person shall operate as a permittee at a time when the privilege is suspended or revoked.

(b) The department shall extend the operator's suspension for a period equal to the original suspension upon receiving a record of that person's conviction for operating while the person's operator permit was suspended. If the conviction was for operating while a permit was revoked, the department shall not issue a new permit for an additional period of one year from the date the person would otherwise have been entitled to apply for a new permit. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-28 Permitting unauthorized person to operate catamaran or canoe. No person shall authorize or permit a catamaran or canoe carrying passengers for hire to be navigated in or upon Waikiki or Kaanapali ocean waters by any person who is not authorized by this chapter to do so. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§§13-251-29 to 13-251-30 (Reserved)

#### SUBCHAPTER 4

#### OWNERS OF PASSENGER CARRYING VESSELS, FOR-RENT SURFBOARDS, FOR-RENT SAILBOARDS, FOR CHARTER OR RENT MOTORBOATS AND FOR-RENT WATERSPORTS EQUIPMENT- PROOF OF FINANCIAL RESPONSIBILITY

§13-251-31 Owner of passenger-carrying vessels, for-rent surfboards, for-rent sailboards, for-charter or rent motorboats, or for-rent water sports equipment to give proof of financial responsibility

§13-251-32 Owner of passenger-carrying vessels, for-rent surfboards, for-rent sailboards, for-rent motorboats and for-rent water sports equipment when no policy obtained  
§§13-251-33 to 13-251-35 (Reserved)

§13-251-31 Owner of passenger-carrying vessels, for-rent surfboards, for-rent sailboards, for-charter or rent motorboats, or for-rent water sports equipment to give proof of financial responsibility. (a) It shall be unlawful for the owner of any:

- (1) Vessel carrying passengers for hire to authorize or knowingly permit that vessel to be navigated in or upon Waikiki or Kaanapali ocean waters, unless the owner has registered the catamaran as prescribed in this subchapter; except that this paragraph shall not apply to cruising vessels as described in section 13-251-1;
- (2) Surfboard or sailboard engaged in the business of renting surfboards or sailboards for use in Waikiki or Kaanapali ocean waters, to rent a surfboard or sailboard, unless the owner has registered the surfboard or sailboard as prescribed in this subchapter. The department shall not register any vessel, surfboard, or sailboard unless the owner gives proof of financial responsibility as provided by this chapter. The department shall cancel the registration of any vessel, surfboard, or sailboard whenever the department ascertains that the owner has failed to or is unable to give and maintain proof of financial responsibility;
- (3) Water sports equipment engaged in the business of renting water sports equipment for use in Waikiki or Kaanapali ocean waters to rent water sports equipment, unless the owner has registered the water sports equipment as prescribed in this subchapter.



The department shall not register any water sports equipment unless the owner gives proof of financial responsibility as provided by this subchapter. The department shall cancel the registration of any water sports equipment whenever the department ascertains that the owner has failed to or is unable to give and maintain proof of financial responsibility;

- (4) Water sports equipment engaged in the business of renting water sports equipment for use in Waikiki or Kaanapali ocean waters to rent water sports equipment, unless the owner has registered the water sports equipment as prescribed in this subchapter. The department shall not register any water sports equipment unless the owner gives proof of financial responsibility as provided by this subchapter. The department shall cancel the registration of any water sports equipment whenever the department determines that the owner has failed to or is unable to give and maintain proof of financial responsibility.

(b) The owner shall submit to the department evidence that there has been issued to the owner by an insurance carrier authorized to do business in the State, and naming the State as an additional insured, a public liability insurance policy or policies covering the operations under the permits issued in accordance with this chapter and with the following minimum coverages:

- (1) In the case of vessels carrying passengers for hire, the following amounts for bodily injury and damage to property per occurrence:
  - (A) \$100,000 for vessels authorized to carry not more than six passengers;
  - (B) Not less than \$300,000 for vessels authorized to carry more than six passengers, but less than twenty-six;

- (C) Not less than \$500,000 for vessels authorized to carry more than twenty-five passengers;
  - (2) In the case of surfboard or sailboard operations, the amount of \$50,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$100,000 for bodily injury or death;
  - (3) In the case of motorboat operations, the amount of \$100,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$500,000 for bodily injury or death;
  - (4) In the case of water sports equipment operations, the amount of \$100,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$300,000 for bodily injury or death.
- (c) The owner shall maintain the policy or policies in full force and effect during all times that the owner is engaged in the businesses described in subsection (a), unless the owner has given proof of financial responsibility as provided in section 13-251-32. [Eff 2/24/94; am 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

§13-251-32 Owner of passenger-carrying vessels, for-rent surfboards, for-rent sailboards, for-rent motorboats, and for-rent water sports equipment when no policy obtained. (a) The department shall not register any vessel, surfboard, sailboard, motorboat, or water sports equipment rented, chartered or used for carrying passengers, as the case may be, in Waikiki or Kaanapali ocean waters if the owner thereof has not given proof of financial responsibility as provided in section 13-251-31; provided no such proof is necessary if the owner demonstrates, to the satisfaction of the department, the financial ability to respond to claims for damages as follows:

- (1) If the owner applies for registration of surfboards or sailboards, in the sum of at least \$50,000 per person injured or killed in a surfboard or sailboard operation, subject to the total coverage in any one accident of \$100,000 for bodily injury or death; or
- (2) If the owner applies for the registration of any vessel carrying passengers for hire, in the following sums for bodily injury or death per occurrence:
  - (A) \$100,000 for vessels authorized to carry not more than six passengers;
  - (B) Not less than \$300,000 for vessels authorized to carry more than six passengers but less than twenty-six;
  - (C) Not less than \$500,000 for vessels authorized to carry more than twenty-five passengers;
- (3) In the case of motorboat operations, the amount of \$100,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$500,000; or
- (4) In the case of water sports equipment operations, the amount of \$100,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$300,000.

(b) The department shall cancel the registration of any vessel, surfboard, sailboard, motorboat or water sports equipment whenever the department determines that the owner has failed or is unable to comply with the requirements of this section. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§§13-251-33 to 13-251-35 (Reserved)

SUBCHAPTER 5

REGISTRATION

- §13-251-36 Application for registration
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- §13-251-39 Department to issue registration certificate
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- §13-251-41 Identification of vessels, surfboards, sailboards or water sports equipment registered by the department
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- §13-251-44 Notice of change of address
- §13-251-45 Registration expired on transfer of ownership; exception
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- §13-251-48 Operation of a vessel or renting of surfboards, sailboards or water sports equipment when registration suspended or revoked
- §13-251-49 Authority of department to suspend or revoke
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- §13-251-52 Allocation of catamaran registrations
- §§13-251-53 to 13-251-55 (Reserved)

§13-251-36 Application for registration. (a)

No person shall:

- (1) Offer for hire, navigate, operate, or sail a catamaran or canoe carrying passengers boarded or to be disembarked in or on Waikiki or Kaanapali ocean waters and shores;

- (2) Permit the use of a surfboard, sailboard or motorboat for compensation in and on the Waikiki or Kaanapali ocean waters and shores;
  - (3) Permit the use of water sports equipment for compensation in and on the Waikiki or Kaanapali ocean waters and shores; or
  - (4) As the owner of a vessel, surfboard, sailboard, motorboat or water sports equipment, permit or authorize those operations described in paragraphs (1), (2), or (3); unless the vessel, surfboard, sailboard or water sports equipment has been properly registered with the department.
- (b) The registration shall be initiated by the owner upon appropriate forms furnished by the department in accordance with those procedures that the department may reasonably prescribe. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-37 Grounds for refusing registration.

- (a) The department shall refuse registration, or any transfer of registration, upon a finding that:
- (1) The application contains any false or fraudulent statement, the applicant has failed to furnish required information or reasonable additional information requested by the department, or the applicant is not entitled to registration this subchapter;
  - (2) The vessel, surfboard, sailboard or water sports equipment is unsafe to be operated upon the Waikiki or Kaanapali ocean waters;
  - (3) The registration of the vessel, surfboard, sailboard or water sports equipment stands suspended or revoked for any reason as provided in this subchapter;
  - (4) The required fee has not been paid;
  - (5) Any catamaran:

- (A) Engaged in carrying more than six passengers does not have a valid Coast Guard certificate of inspection; or
- (B) Engaged in carrying six or less passengers does not have a record of a condition survey, by a marine surveyor as defined in section 13-231-45, undertaken within ninety days prior to application for registration or renewal of registration, attesting that the vessel:
  - (i) Is in good material and operating condition;
  - (ii) The minimum required Coast Guard safety equipment is on board;
  - (iii) The catamaran is suitable to carry passengers in Waikiki or Kaanapali ocean waters while being propelled solely by sail;
- (6) The catamaran cannot be safely navigated in Waikiki or Kaanapali ocean waters, as appropriate, while being propelled by sail only;
- (7) The catamaran is equipped with auxiliary mechanical propulsion machinery using a propeller but does not have a propeller guard, approved by the department, permanently installed on the vessel;
- (8) The catamaran:
  - (A) Is more than forty-five feet in length for Waikiki ocean waters operation;
  - (B) Is more than sixty-five feet in length for Kaanapali ocean waters operation;
  - (C) Has a passenger capacity of more than forty-nine passengers;
- (9) The catamaran will be used to transport passengers in a shuttle-type service wherein passengers will be disembarked at a point other than at or near the embarkation point;
- (10) The applicant for a catamaran registration holds a valid registration issued by the department in accordance with this

- subchapter for another catamaran authorized to be used on Waikiki or Kaanapali ocean waters as applicable;
- (11) The owner has not furnished proof of financial responsibility as prescribed in this subchapter;
  - (12) The owner of a catamaran holds a valid registration issued by the department in accordance with this subchapter for another catamaran authorized to be used on Waikiki or Kaanapali ocean waters, as applicable;
  - (13) The operator of any vessel, surfboard, sailboard, or water sports equipment does not hold a valid operator permit; or
  - (14) Any other grounds provided by this subchapter warrants refusal of the registration or transfer of registration.
- (b) The department shall notify the owner in writing of the refusal. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-38 Registration indices. The department shall receive applications for registration of vessels, surfboards, sailboards, and water sports equipment and when satisfied of the genuineness and regularity thereof, shall register the vessel, surfboard, sailboard, or water sports equipment, and keep a record of that registration. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-39 Department to issue registration certificate. (a) The department shall issue a registration certificate upon registering a vessel, surfboard, sailboard or water sports equipment.

(b) The registration certificate shall be issued to the owner, and shall contain the date issued, the name and address of the owner, the registration number or other vessel, surfboard, sailboard or water sports

equipment identification, and the description of the vessel, surfboard, sailboard or water sports equipment as determined by the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-40 Registration certificates to be exhibited upon demand. Registration certificates shall be shown upon demand of a police officer, lifeguard, or a representative of the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-41 Identification of vessels, surfboards, sailboards or water sports equipment registered by the department. (a) A name, or number, or both, prescribed by law or adopted by the owner with prior approval of the department shall be painted on, or attached to each side of the bow of each catamaran, canoe, or motorboat registered by the department, in a manner prescribed by the department and in a color which contrasts with the background in order that the name, or number, or both, may be completely visible and legible. Any lettering shall be no less than three inches in height. The department may issue a decal at the time of initial registration and upon renewal. The decal shall be placed three inches aft of and in line with the name or number on the right (starboard) side.

(b) Surfboards, sailboards and water sports equipment registered by the department shall be marked by the owner with a distinctive mark or a mark together with a color or combination of colors adopted by the owner with the prior approval of the department to make the owner's surfboards, sailboards, or water sports equipment distinguishable. The department may issue a decal at the time of initial registration and upon renewal. The decal shall be affixed to a registered surfboard, sailboard or water sports equipment in a manner prescribed by the department.



[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-42 Expiration of registration. Every vessel, surfboard, sailboard, or water sports equipment under this part shall expire:

- (1) One year after date of registration; or
- (2) When ownership has been transferred except as provided in section 13-251-45. [Eff 2/24/94] (Auth: HRS §§200-2) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-43 Application for renewal of registration. Application for renewal of a vessel, surfboard, sailboard, or water sports equipment registration shall be made by the owner upon proper application and by payment of the registration fee. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-44 Notice of change of address. Whenever any person moves from the address stated on a registration certificate or pending application for a vessel, surfboard, sailboard, or watersports equipment, the person shall notify the department in writing of the person's old and new addresses within seven days of the change in address. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-45 Registration expires on transfer of ownership; exception. Whenever the owner of a registered vessel, surfboard, sailboard, or water sports equipment transfers or assigns the owner's title or interest, or the title or interest of an owner passes to another owner other than by voluntary transfer, the registration of the vessel, surfboard, sailboard or water sports equipment shall expire;

provided, that upon the incapacitation or death of the owner, the registration may be transferred to a spouse or other member of the immediate family. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-46 New owner must secure new registration. A transferee shall obtain an original registration for a vessel, surfboard, sailboard or water sports equipment before operating or renting the same upon Waikiki or Kaanapali ocean waters. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-47 Operation of vessels without proper identification. No person shall operate, nor shall an owner permit to be operated upon the Waikiki or Kaanapali ocean waters, any vessel or rented surfboard, sailboard or water sports equipment required to be registered under this subchapter, unless there shall be attached, painted on, or otherwise displayed a valid distinguishing name, number, or mark as required by this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-48 Operation of a vessel or renting of surfboard, sailboards, or water sports equipment when registration suspended or revoked. No person shall operate nor shall an owner knowingly permit to be operated upon the Waikiki or Kaanapali ocean waters any vessel or rented surfboard, sailboard, or water sports equipment, the registration of which has been suspended or revoked. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-49 Authority of department to suspend or revoke registration. (a) The department may suspend

or revoke the registration of a vessel, surfboard, sailboard, or water sports equipment whenever:

- (1) The department is satisfied that the registration was fraudulently or erroneously issued;
- (2) The department determines that a registered vessel is unsafe to be operated upon the Waikiki or Kaanapali ocean waters;
- (3) A registered vessel has been sold, dismantled, or wrecked, provided that the owner of the vessel at the time it was sold, dismantled, or wrecked may, upon written application to and approval by the department, transfer the registration to another vessel of like characteristics and ownership if the replacement vessel is in operation within ninety days of the transfer;
- (4) The owner of any for-rent surfboard, for-rent sailboard or water sports equipment, or vessel carrying passengers for hire has failed or is unable to give proof of financial responsibility as provided in this subchapter;
- (5) Any catamaran's Coast Guard Certificate of Inspection has expired;
- (6) Any registered vessel boards passengers on Waikiki or Kaanapali ocean waters for a shuttle-type service and disembarks the passengers at a point other than at or near the point of boarding; or
- (7) A registered vessel has not been engaged in carrying passengers for hire in Waikiki or Kaanapali ocean waters for a period of thirty consecutive days.

(b) Upon suspending or revoking the registration of a vessel, surfboard, sailboard or water sports equipment the department shall immediately notify the owner in writing of the reason for the suspension or revocation. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-50 Duplicate certificate. In the event that a registration certificate issued under the provisions of this part is lost or destroyed, the certificate holder may, upon the payment of the required fee, obtain a duplicate or substitute. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-51 Catamaran registration limitations. (a) The total number of valid catamaran registrations issued under this subchapter shall not exceed four at any one time for Waikiki ocean waters or ten at any one time for Kaanapali ocean waters. An owner may apply for a future vacancy, as prescribed in section 13-251-52, if future catamarans are registered.

(b) Notwithstanding this section, all owners of catamarans holding valid registrations to operate upon Waikiki ocean waters on November 6, 1981, and all owners of catamarans operating upon or under construction for operation upon Kaanapali ocean waters on the effective date of these rules, except catamarans engaged in a shuttle-type service, may continue operations and be permitted to apply for and renew their registration subject to compliance with all other conditions set forth in this chapter until their total number is reduced by attrition or other means to the numbers in subsection (a). [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-52 Allocation of catamaran registrations. (a) Application for a catamaran registration; period of validity; renewal of application.

- (1) The first owner to file an application may be offered a catamaran registration as prescribed under subsection (e) if the maximum number of catamaran registrations authorized by section 13-251-51 has not been issued and provided that no prior requests

therefor are pending as provided in this section.

- (2) If the maximum number of catamaran registrations permitted by section 13-251-51 has been issued and is valid, an owner's application for a catamaran registration shall be retained and honored when the total number of valid catamaran registrations is less than the maximum limit and the issuance of an additional catamaran registration is authorized pursuant to these rules.
  - (A) An application for the issuance of a catamaran registration shall be made in writing to the department by the owner on a form provided by the department. The department shall accept the application for consideration by endorsing it and entering the filing time and date on the application form submitted. One copy shall be given to the applicant. The time and date the application is endorsed by the department shall be the filing date and the effective date of the application for consideration and shall establish the applicant's seniority or priority over later applicants, if the application remains valid. No application shall be accepted unless and until the application fee prescribed in these rules is paid by the applicant and review thereof has been conducted pursuant to subsection (b).
  - (B) An application shall continue in full force and effect for a period ending one year from the effective date of the application, except as provided in subparagraph (C) of this subsection, or unless sooner terminated in accordance with these rules. An application is void after the date of expiration.

- (C) An application may be renewed within a ninety day period preceding its expiration date. An application properly renewed prior to its expiration date shall be valid for a period ending one year from the expiration date of the previous application. No application for renewal shall be accepted until the fee prescribed in these rules is paid by the applicant.
  - (D) It is the policy of the department to mail an application renewal notice to an applicant prior to the expiration of the applicant's application, at the address furnished to the department under section 13-251-52(d). However, the applicant is responsible for the timely renewal of an application without receipt of a renewal notice from the department.
- (b) Review and acceptance or rejection of applications.
- (1) The department shall examine and determine the genuineness and regularity of each application and may conduct any investigation it deems necessary for its examination and determination, and it may require additional information from the applicant necessary to determine the genuineness and regularity of the application.
  - (2) The department shall reject any application that contains a material misstatement or where the applicant has failed to disclose any material fact on the application.
  - (3) An application shall not be accepted for consideration, and shall be rejected if:
    - (A) The application fee is not paid at the time application is made;

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- (B) The applicant is delinquent in the payment of any moneys due and payable to the department; or
  - (C) The applicant has pending a citation for violation of any of the department's rules.
- (c) Upon rejection of an application, the department shall inform the applicant, in writing within a reasonable time:
  - (1) That the application has not been accepted for consideration;
  - (2) That the application has been rejected; and
  - (3) Of the department's reasons for rejection. An applicant may cure the defect and re-apply.
- (d) Applicant required to furnish address and report changes; effect of failure to report changes.
  - (1) An applicant shall include the applicant's address in the application to the department for a catamaran registration.
  - (2) An applicant shall immediately notify the department in writing of any changes in the applicant's address in order to maintain the validity of an application.
  - (3) An application shall be void if the department is unable to reach the applicant to offer the applicant a catamaran registration at the address:
    - (A) Appearing on the application; or
    - (B) Furnished in writing to the department by the applicant as a change of address subsequent to submitting the application.
- (e) Withdrawal of application; effect if application has become void, expires, or been withdrawn.
  - (1) An application may be withdrawn by an applicant upon written notice to the department.
  - (2) An applicant who withdraws an application or whose application has expired or becomes void may submit a new application for

acceptance by the department. Seniority begins on the date the new application is accepted for consideration as provided in subsection (a) (2) (A).

(f) Priority in allocation of catamaran registrations. When the total number of valid catamaran registrations is less than the maximum limit authorized by section 13-251-51, the department shall offer a catamaran registration to the senior applicant eligible to receive such a registration.

(g) Notice to owner of available catamaran registration. When an offer of a catamaran registration is provided for in this section, the department shall deliver the offer or send it by certified mail - return receipt requested, addressed to the applicant eligible to receive the offer at the address furnished to the department in writing by the applicant.

(h) Offer of catamaran registration valid only fourteen days; written notice of intention; acceptance.

- (1) An applicant may decline an offer of a catamaran registration and retain the applicant's seniority if the offer is declined in writing, addressed to and received by the department not later than fourteen days after the date of receipt of the offer. An applicant who declines an offer in writing and retains seniority pursuant to this subsection, shall not be considered for another offer on the basis of the applicant's seniority until six months have elapsed since the date of the last refusal.
- (2) If an applicant decides to accept the offer of a catamaran registration, the applicant shall either:
  - (A) Deliver a written notice of intention to accept the offer to the department within fourteen days after the receipt of the offer; or



- (B) Accept the offer by securing a catamaran registration within fourteen days after the receipt of the offer.
- (3) The applicant's application for a catamaran registration and the offer by the State of a catamaran registration shall be void if the applicant fails to either secure a catamaran registration or give written notice of intent to accept the offer within fourteen days after the receipt of the offer. The registration shall then be offered to the next senior applicant pursuant to this section.
- (4) An applicant who cannot immediately accept the offer but has delivered a written notice of intention to accept to the department pursuant to subsection (a)(2) shall accept the offer by securing a catamaran registration as prescribed in section 13-251-36 within fourteen days after the applicant mails or personally delivers the notice of intention to accept to the department.
- (5) Except as provided in subsection (h)(6) if the applicant fails to secure a catamaran registration within fourteen days, the application for a catamaran registration, the offer of a catamaran registration, and the notice of intention to accept the offer shall be void, and the catamaran registration shall then be offered to the next senior applicant in accordance with these rules.
- (6) The department may extend the deadline for acceptance prescribed in subsection (h)(2), if the applicant presents evidence to the department that the granting of additional time for compliance is reasonable and essential to prevent undue hardship; provided that any extension of time for compliance shall not exceed a period of 120 days from the date the department received

from the applicant a written notice of intention to accept the offer of a catamaran registration.

- (7) Because time is of the essence, the offer delivered or mailed to an applicant pursuant to subsection (g) shall contain a statement that the offer will lapse unless accepted in accordance with the procedures of this section. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§§13-251-53 to 13-251-55 (Reserved)

## SUBCHAPTER 6

### RULES OF THE ROAD

§13-251-56 Rules of the road  
§13-251-57 Waikiki restricted areas  
§13-251-58 Kaanapali ocean waters - general restrictions  
§13-251-59 Intoxication  
§13-251-60 Careless operation  
§§13-251-61 to 13-251-65 (Reserved)

§13-251-56 Rules of the road. All vessels shall be operated in accordance with the "Navigation Rules, International - Inland" as set forth in U.S. Department of Transportation, United States Coast Guard, COMDTINST M16672.2A of 23 December 1983, and subsequent revisions thereto, which is incorporated herein by reference. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-57 Waikiki restricted areas. (a) The areas in Waikiki ocean waters are reserved primarily

for use by bathers and swimmers, and subject to restrictions set forth in this section. This section shall not apply in the event of an emergency, or to law enforcement or rescue craft, or vessels participating under a valid regatta permit issued by the department or the Coast Guard.

(b) Zone A, Waikiki ocean waters.

(1) Zone A, Waikiki ocean waters means the area confined by the boundaries shown on Exhibit "B-1", June 1, 1981, located at the end of this chapter, which boundaries are described as follows:

Beginning at the makai-Ewa corner of the natatorium; then seaward on a prolongation of the Ewa wall of the natatorium to the outer edge of the reef; then along the reef in the mauka direction to the seaward end of the Kapahulu drainage groin; then seaward along a straight line connecting the seaward end of the Kapahulu drainage groin and the Ala Wai boat harbor entrance lighted buoy (Red "2"); then mauka on a prolongation of the Diamond Head boundary line of Fort DeRussy to the mean high water mark of the beach adjacent to the boundary line; then along the mean high water mark in the Diamond Head direction to the mauka-Ewa side of the natatorium; then along the Ewa side of the natatorium in a seaward direction to, and ending at, the point of beginning;

(2) Restrictions:

(A) No person shall navigate or moor a vessel in or on the Waikiki ocean waters, except that outrigger canoes operated by a duly organized canoe club, or a sailing catamaran, or a manually propelled outrigger canoe may be navigated, moored, or anchored in those

waters if the vessel has been registered in accordance with this subchapter and is under the immediate control of an operator who has been issued a permit by the department to navigate in the waters. Notwithstanding this subsection, a sailing catamaran may temporarily operate in Zone A, Waikiki ocean waters, as a power-driven catamaran when necessary to protect life or property and is that vessel is registered by the department to operate in Waikiki ocean waters and under the immediate control of an operator who has been issued a valid permit by the department;

- (B) No person shall navigate or moor a catamaran in or on the waters of Zone A or on the shore below the mean high water mark if four catamarans are navigating or moored in such zone;
  - (C) The minimum distance separating any two catamarans moored in Zone A shall be eighty feet; and
  - (D) There shall be no surfing in the zone between the water's edge and a point fifty yards seaward therefrom, except for learners while receiving initial instructions under the direct supervision of a primary or senior surfboard instructor who has a permit issued by the department as provided by subchapter 1.
- (c) Zone B, Waikiki ocean waters.
- (1) Zone B, Waikiki ocean waters, means the area confined by the boundaries shown on Exhibit "C", June 1, 1981, located

at the end of this chapter, which boundaries are described as follows:

Beginning at a point where the Diamond Head side of the boundary of Fort DeRussy intersects the mean high water mark; then seaward on a prolongation of that boundary line to a straight line connecting the Ala Wai boat harbor entrance lighted buoy (Red "2") and the Ewa end of the Kapahulu drainage groin; then to the Ewa direction to the makai-Ewa corner of the breakwater makai of the Hawaiian Village rainbow tower; then Ewa along the breakwater to the mean high water mark; then along the mean high water mark; in a mauka-Diamond Head direction to, and ending at, the point of beginning;

- (2) Restrictions: No person shall navigate, moor, or anchor a vessel in or on the waters of Zone B, except that a manually propelled outrigger canoe or a catamaran propelled by sail may be operated in those waters if the vessel has been registered in accordance with this subchapter, or that a catamaran propelled by sail capable of carrying six persons or less, with a valid permit to operate within Waikiki ocean waters under the provisions of section 13-251-51, may anchor overnight in the area adjacent to the groin in the vicinity of the Ala Wai Heliport. Notwithstanding this subsection, vessels operating from the Hilton Hawaiian Village pier are exempt from the restrictions in this paragraph
- (d) Zone C, Waikiki ocean waters.
  - (1) Zone C, Waikiki ocean waters, means the area confined by the boundaries shown on Exhibit "D", June 1, 1981, located

at the end of this chapter, which boundaries are described as follows:

Beginning at the makai-Ewa corner of the concrete drainage groin located seaward of the junction of Kapahulu and Kalakaua Avenues; then to a point one-hundred sixty yards in the Diamond Head direction on a straight line at right angles to the long axis of the groin; then to a point one hundred yards seaward on a straight line parallel to the long axis of the groin; then to a point three hundred ten yards in the Ewa direction on a straight line at right angles to the long axis of the groin; then in the shoreward direction on a straight line parallel to the long axis of the groin to the point where this line meets the concrete seawall; then in the Diamond Head direction to, and ending at, the point of beginning.

- (2) Restrictions: No person shall navigate or moor a vessel or navigate or otherwise use a surfboard in or on the waters of Zone C, except that paipo boards not in excess of four feet in length and without skegs or any other fin-like projections protruding from the bottom of the boards are permitted to be used on the waters.

(e) Zone D, Waikiki ocean waters.

- (1) Zone D, Waikiki ocean waters, means the area confined by the boundaries shown on Exhibit "E", June 1, 1981, located at the end of this chapter, which boundaries are described as follows:

Beginning at a point where the Diamond Head wall of the Natatorium intersects the mean high water mark; then along the wall in a seaward direction to the makai-Diamond Head corner; then in a Diamond Head

direction on a straight line to the seaward end of the first groin Diamond Head of the Sans Souci pier; then in a mauka direction along the groin to the mean high water mark; then in an Ewa direction along the mean high water mark to, and ending at, the point of beginning.

- (2) Restrictions: No person shall navigate or moor a vessel in or on the waters of Zone D, except that a manually propelled outrigger canoe operated by a duly organized canoe club, or a commercially operated manually propelled outrigger canoe may be navigated in these waters if the vessel has been registered in accordance with this chapter and is under immediate control of an operator who has a valid permit issued by the department in accordance with subchapter 1.

(f) Zone E, Waikiki ocean waters. Zone E is the area encompassed by the boundaries of the zone shown on Exhibit "C-1", dated May 15, 1990, and located at the end of this subchapter. The boundaries of Zone E are described as follows:

Beginning at the shoreline on the western edge of the Kapahulu Groin, then to the intersection of the Kapahulu Groin and the Kuhio Beach seawall, then in a westerly direction along the seaward edge of the Kuhio Beach seawall to the groin fronting the Honolulu Police substation, then along the Kuhio Beach shoreline to the point of beginning.

Zone E is designated as a swimming, bathing and wading zone. No person shall engage in fishing by any means or device from the Kuhio seawall to the shoreline between the Kapahulu Groin and the Ewa groin. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-58 Kaanapali ocean waters, general restrictions. (a) The Kaanapali ocean waters are subject to the following restrictions. This section shall not apply in the event of an emergency, to law enforcement or rescue craft, to vessels participating under a valid ocean waters permit issued by the department, or to Hawaiian design canoes engaged in crew training.

- (1) No person shall navigate any vessel at a speed in excess of "slow no wake" (five (5) miles per hour) within five hundred feet of the shoreline;
- (2) No person shall navigate a motorboat within two hundred feet of the shoreline, or designated swimming area, or within one hundred feet of a diver's flag, nor shall any person navigate a commercial motorized vessel within five hundred feet of the shoreline except within a designated ingress/egress corridor. Notwithstanding this paragraph, vessels engaged in fishing outside the designated ingress/egress corridors are exempt from the two-hundred-foot shoreline restriction, provided that designated swimming areas are approached with caution and due care;
- (3) No person shall navigate a motorized vessel within three hundred feet of a vessel engaged in fishing;
- (4) A vessel engaged in fishing shall not impede the passage of any vessel passing through a designated ingress/egress corridor;
- (5) No person shall embark or disembark passengers on the beach to or from a catamaran registered to carry passengers for hire when the vessel exceeds sixty-five feet in length or a passenger carrying capacity of forty-nine persons unless prior permission to navigate is obtained from the department for each trip through these waters. Notwithstanding this paragraph, any company currently operating a catamaran



which exceeds sixty-five feet in length or a passenger carrying capacity of forty-nine persons, which is in business on Kaanapali ocean waters and properly registered with the department of commerce and consumer affairs as of the effective date of these rules may apply for and renew its permit so long as the company remains in business, remains properly registered with the department of commerce and consumer affairs, and complies with the rules of that department;

- (6) No person shall anchor or moor a vessel, barge, platform, or raft within two hundred feet of the shoreline or a designated ingress/egress corridor; and
- (7) No person shall navigate or moor a vessel engaged in commercial use unless the vessel has been registered and the owner has a valid permit issued in accordance with this chapter; however, commercial vessels solely transiting through the Kaanapali ocean waters shall not be required to be registered or have a commercial permit.
- (b) Zone A, Kaanapali ocean waters.
- (1) This zone is designated primarily for swimming, bathing, snorkeling and diving, and means the area confined by the boundaries shown and described in Exhibit "E(1)", July 9, 1984, located at the end of this chapter, which boundaries are described as follows:

Beginning at a point on the vegetation line six hundred fifty feet north along the mean high water mark from the intersection of the extended centerline of Kaniau Road and the vegetation line; thence running by azimuths measured clockwise from True South: 080 degrees for a distance of two hundred feet; 146 degrees 30 minutes for a distance of three thousand seven hundred fifty feet; 206 degrees to a point on the vegetation

- line; thence southward along the vegetation line to the point of beginning.
- (2) No person shall navigate or moor a vessel, surfboard, sailboard or any other water recreational device in or on the waters of Zone A, provided that this restriction shall not apply to:
    - (A) Paipo boards not in excess of four feet in length and without skegs or any other fin-like projections protruding from the bottom of the boards;
    - (B) Hawaiian design club canoes engaged in crew training; and
    - (C) Vessels engaged in fishing during periods of low use of the beach.
  - (c) Zone B, Kaanapali ocean waters
    - (1) This zone is an area designed primarily for swimming, bathing, snorkeling and diving, and means the area confined by the boundaries shown on Exhibit "E(1)", July 9, 1984, located at the end of this chapter and defined as:

Beginning at a point on the vegetation line seven hundred fifty feet south along the vegetation line from the southernmost tip of Keka'a Point shoreline, thence running by azimuths measured clockwise from True South: 068 degrees for a distance of two hundred feet; 156 degrees for a distance of two hundred fifty feet; 078 degrees 30 minutes for a distance of three hundred fifty feet; 156 degrees for a distance of six hundred feet; 221 degrees for a distance of five hundred feet; 287 degrees to a point on the vegetation line; thence southward along the vegetation line to the point of beginning.
    - (2) The same restrictions and exceptions thereof applicable to Zone A are applicable to Zone B.
  - (d) Ingress/Egress zones.

- (1) These zones shall be established at intervals along the shoreline to provide beach access, through corridors, for all vessels governed by this chapter. Each zone shall be five hundred feet wide at the shoreline and shall extend seaward for a distance of five hundred feet.  
Zone number one begins at the point where the north bank of Wahikuli Stream intersects the vegetation line; then northward along the vegetation line for a distance of five hundred feet.  
Zone number two begins at a point on the vegetation line which is two thousand three hundred feet north along the vegetation line from a point where the north bank of Wahikuli Stream intersects the vegetation line; then northward along the vegetation line for a distance of five hundred feet.  
Zone number three begins at a point on the vegetation line which is two thousand four hundred feet south along the vegetation line from the vegetation line of the southernmost tip of Keka'a Point shoreline; then southward along the vegetation line for a distance of five hundred feet.  
Zone number four begins at a point on the vegetation line which is seven hundred fifty feet south along the vegetation line from the vegetation line from the southernmost tip of Keka'a Point shoreline; then southward along the vegetation line for a distance of five hundred feet.  
Zone number five begins at a point on the vegetation line which is eight hundred twenty-five feet north along the vegetation line from the vegetation line from the southernmost tip of Keka'a Point shoreline, then northward along the vegetation line for a distance of five hundred feet.
- (2) No person shall navigate a vessel within an ingress/egress zone unless operating within

- an ingress/egress corridor; provided that this restriction shall not apply to Hawaiian design club canoes engaged in crew training;
- (e) Ingress/Egress corridors.
  - (1) These corridors shall be contained within each ingress/egress zone. Each corridor shall be one hundred feet wide and shall be established daily by the users of the corridor to determine the best direction for approach to or departure from the shoreline under existing wind and sea conditions.
  - (2) No person shall:
    - (A) Navigate a commercial vessel or noncommercial motor powered vessel to or from the beach area unless using a designated ingress/egress corridor;
    - (B) Navigate a catamaran, registered for carrying passengers for hire, in an ingress/egress corridor, or approach the shoreline within a distance of five hundred feet, if another catamaran is beached within the boundaries of the intended corridor of use;
    - (C) Beach a catamaran, registered for carrying passengers for hire, in an ingress/egress corridor in excess of thirty minutes; and
    - (D) Navigate a vessel within an ingress/egress corridor at a speed exceeding slow-no-wake. Slow-no-wake means as slow as possible without losing steerageway and so as to make the least possible wake. This would almost always mean speeds of less than five miles per hour.
  - (3) Exceptions to the restrictions for Ingress/Egress Zones are applicable to Ingress/Egress Corridors. [Eff 2/24/94; am 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

§13-251-59 Intoxication. (a) No person who is under the influence of intoxicating liquor, narcotics, or other habit-forming drug shall operate or be in actual physical control of any vessel, surfboard, sailboard, or water sports equipment.

(b) No owner of any vessel, surfboard, sailboard, or water sports equipment or any person in charge or in control of any vessel, surfboard, sailboard, or water sports equipment shall authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, or narcotic, or other habit-forming drug. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-60 Careless operation. No person shall operate a vessel, surfboard, sailboard or water sports equipment in a careless or heedless manner so as to endanger other persons or the property of other persons. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§§13-251-61 to 13-251-65 (Reserved)

## SUBCHAPTER 7

### SPECIAL OPERATING RESTRICTIONS

§13-251-66 Canoe operation; required crew  
§13-251-67 Catamaran crews  
§13-251-68 Catamarans; mooring of  
§13-251-69 Learner steersperson  
§§13-251-70 to 13-251-75 (Reserved)

§13-251-66 Canoe operation; required crew. (a) No person shall operate nor shall any owner authorize or permit a canoe carrying passengers for hire to

engage in canoe surfing unless the canoe meets all requirements of these rules and a canoe captain and canoe second captain, each having a valid permit issued by the department, are aboard; provided, that a two-man canoe shall have either a canoe captain or second captain on board.

(b) No person shall operate nor shall any owner authorize or permit a canoe to transport passengers for hire unless the canoe meets all requirements of these rules and a canoe captain or second captain, each having a valid permit issued by the department, is on board. In these instances the senior crew member aboard shall not permit the vessel to be utilized for canoe surfing unless a minimum crew as provided in subsection (a) is on board. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-67 Catamaran crews. No person shall operate nor shall any owner authorize or permit a catamaran to transport passengers for hire, except cruising catamarans as described in section 13-251-1, unless the catamaran meets all requirements of these rules and a catamaran captain, having a permit issued by the department, and at least one other crew member are aboard. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-68 Catamarans; mooring of. (a) Catamarans moored in a restricted area (13-251-57) shall be moored below the mean high water mark at catamaran moorings so designated by the department and in a manner approved by the department.

(b) Operators of catamarans moored in a restricted area (13-251-57(1)) shall lower the catamarans' sails to prevent obstructing the view from lifeguard stations upon request of a Honolulu city and county lifeguard. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-69 Learner steersperson. (a) A learner steersperson shall steer an outrigger canoe engaged in canoe surfing only on a wave which is not carrying another canoe.

(b) A learner steersperson shall not steer an outrigger canoe carrying passengers for hire. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§§13-251-70 to 13-251-75 (Reserved)

## SUBCHAPTER 8

### SOLICITING PROHIBITED IN OR ON WAIKIKI AND KAA NAPALI OCEAN WATERS

#### §13-251-76 Commercial Activities

§13-251-76 Commercial Activities. (a) No person shall engage in commercial activities of any kind in or on Waikiki or Kaanapali ocean waters and beach without a written permit from the board or its authorized representatives.

(b) "Kaanapali beach" means the area within Kaanapali ocean waters that is situated between the shoreline and the mean high tide mark along the shores. Exhibits E(2A) through E(2D), dated February 22, 2002, located at the end of this chapter, are provided for reference, and depict the shoreline location of Kaanapali Beach as of September 12, 2001.

(c) Kaanapali beach is designated for public use for sunbathing, foot traffic, swimming, and other activities which, when engaged in, shall not unduly disrupt others from enjoying the beach.

(d) Constructing or placing any building or structure or storing any property, whether temporary, portable, or permanent, at Kaanapali beach shall be prohibited, except where authorized by the department, and, in addition to any other remedies, unauthorized

buildings, structures, or property may be removed by the department at the sole risk and cost of the owner.

(e) Vessel owners shall be prohibited from storing any vessel or associated equipment on Kaanapali beach, unless authorized by the department.

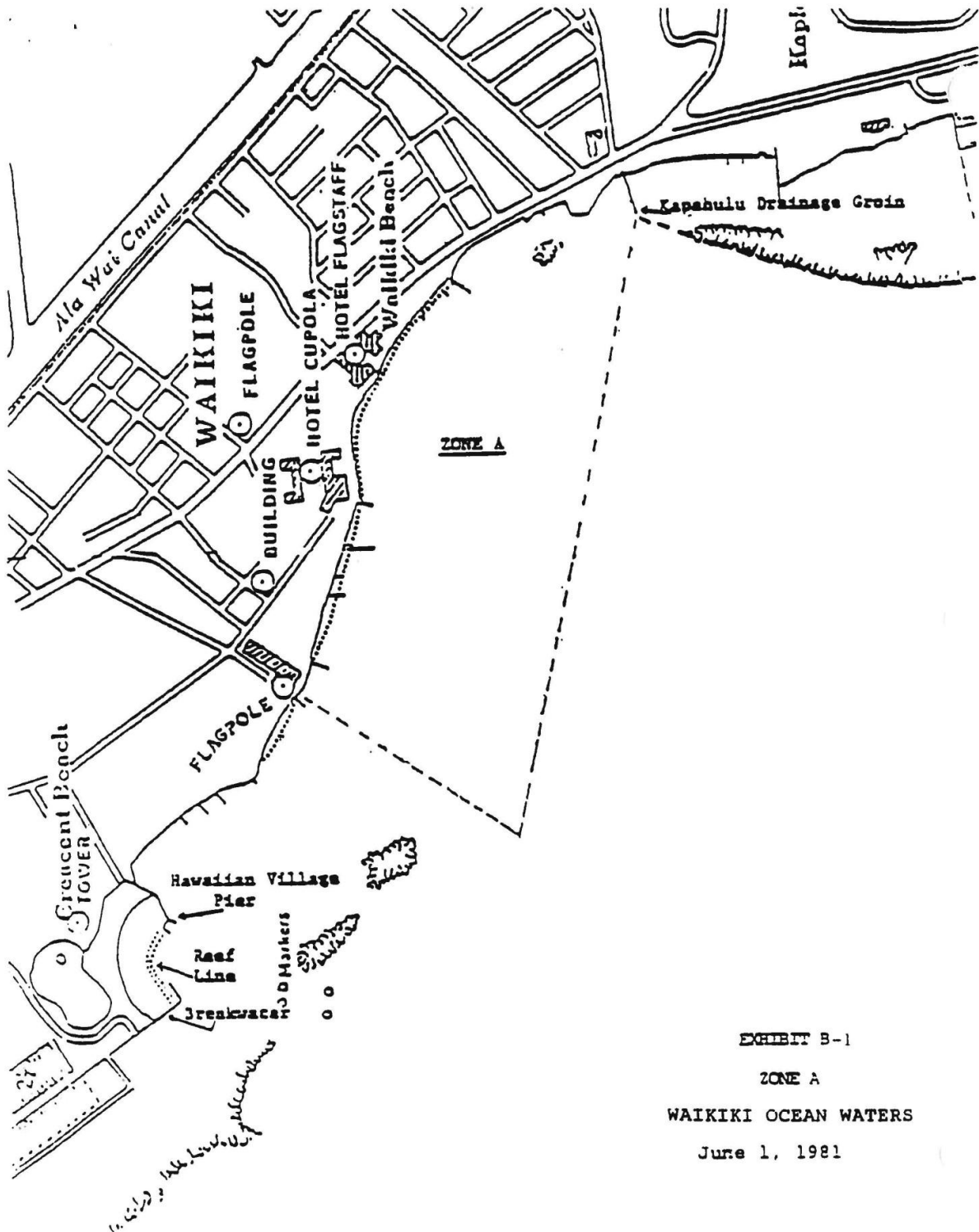
(f) The following activities shall be prohibited on Kaanapali beach:

- (1) Kite flying; and
- (2) Kite surfing equipment.

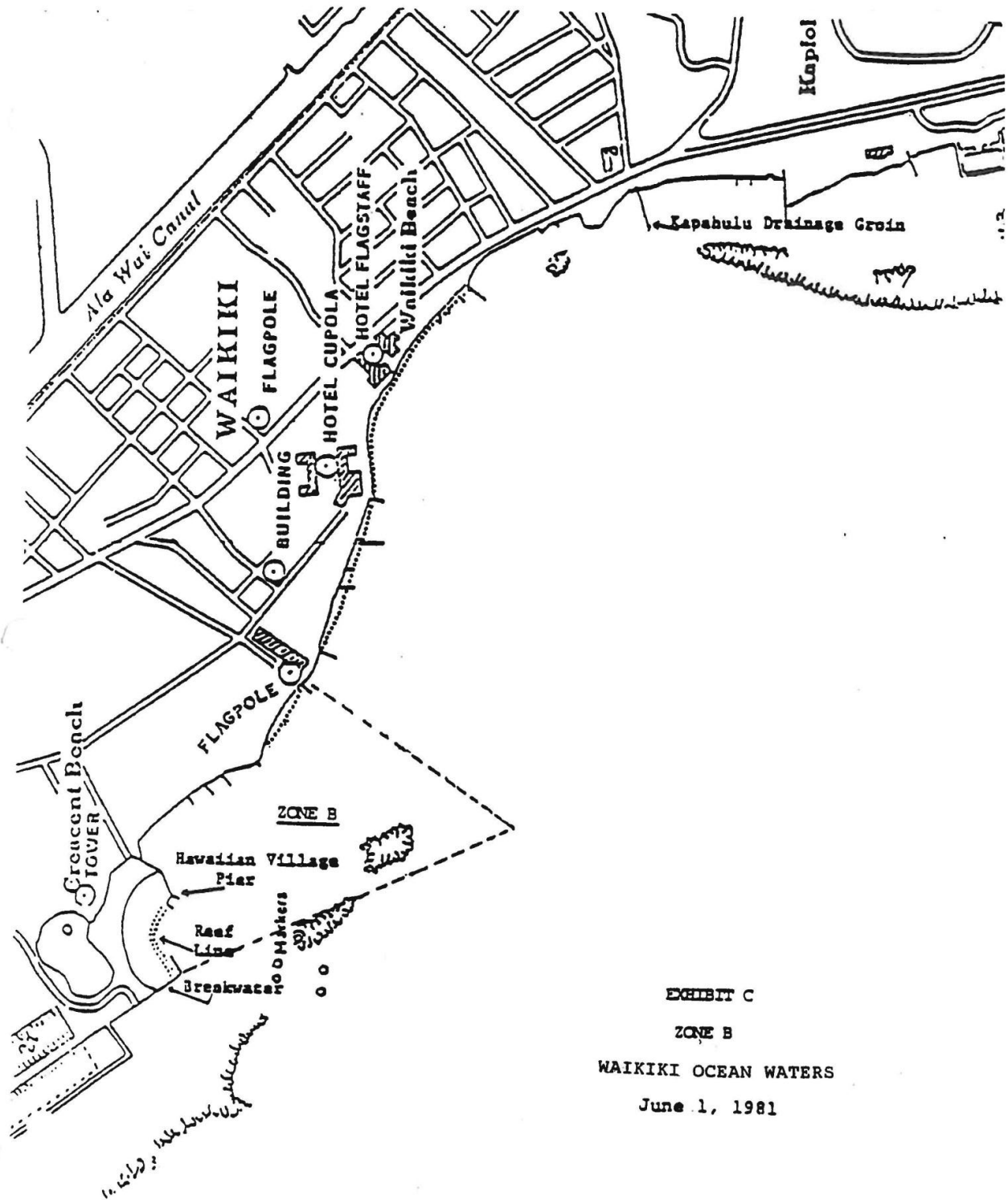
(g) The maximum number of Kaanapali commercial permits that may be issued for monohull vessels to embark and disembark passengers at Kaanapali beach shall not be greater than five, but small craft used to shuttle passengers to and from a monohull vessel in the Kaanapali waters may be included under that vessel's commercial activity permit.

(h) Law enforcement and rescue vessels are exempt from the provisions of this section. [Eff 2/24/94; am 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)





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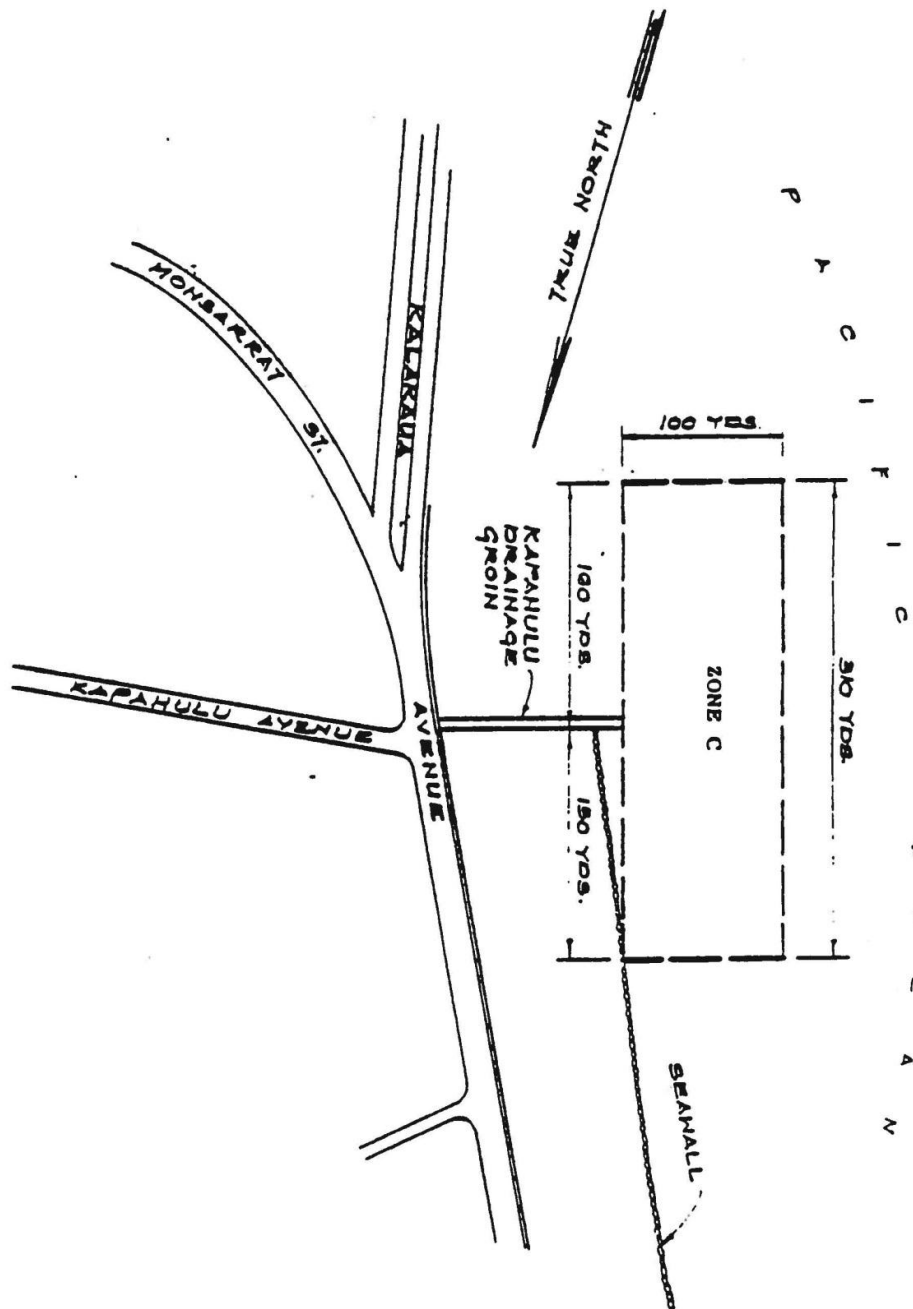


EXHIBIT D

ZONE C

WAIKIKI OCEAN WATERS

June 1, 1981

1730

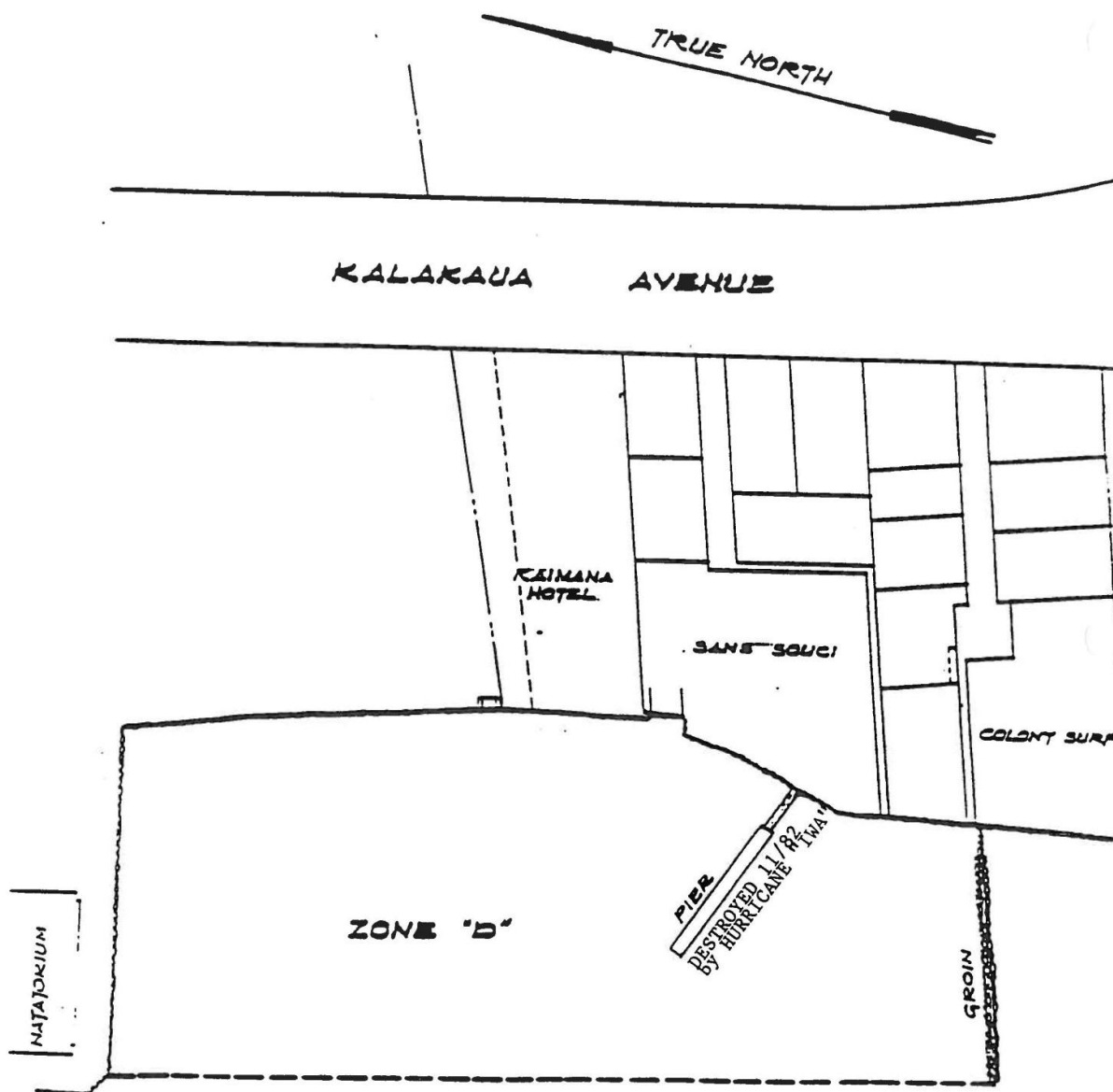
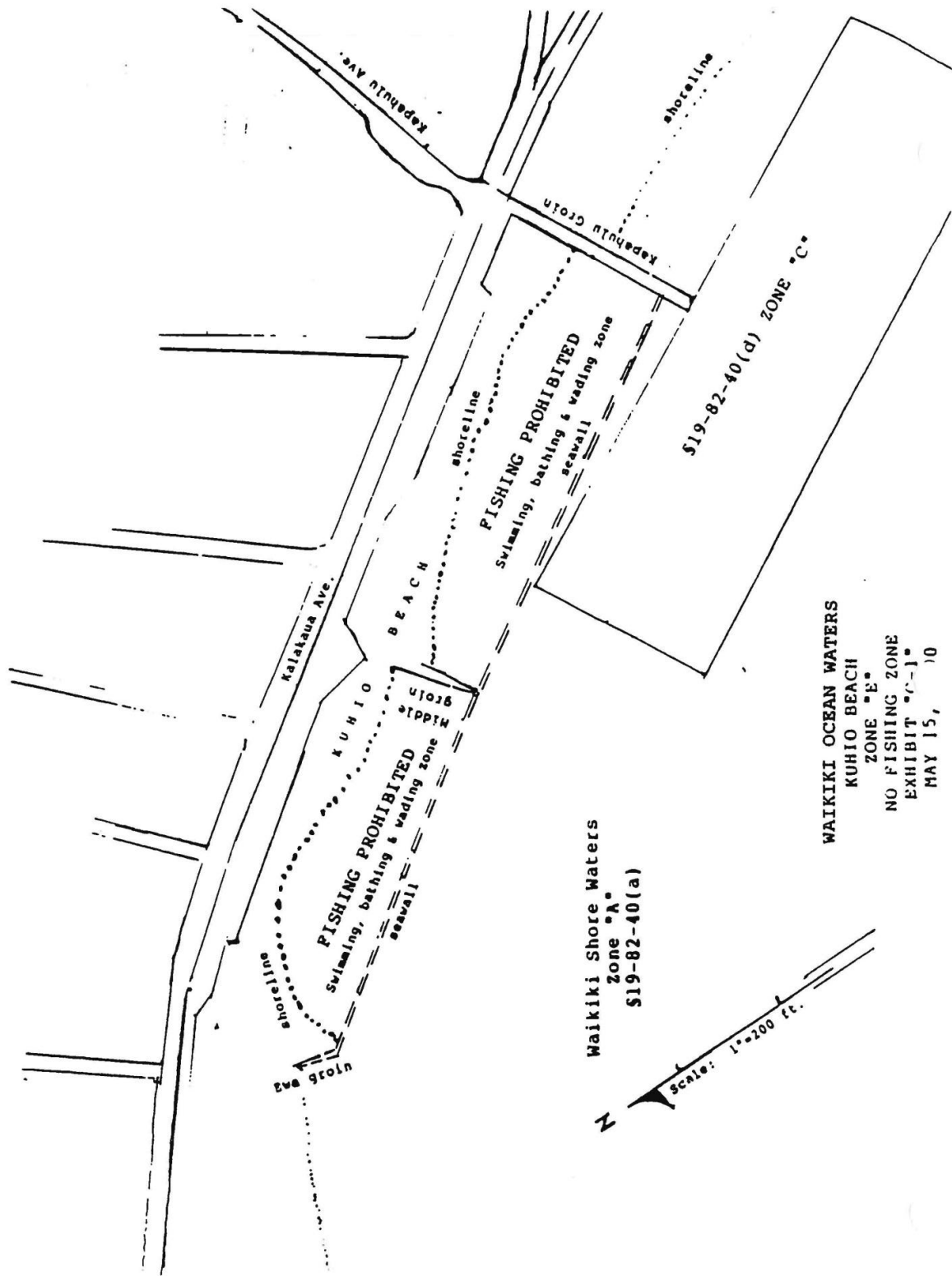


EXHIBIT E  
ZONE D  
WAIKIKI OCEAN WATERS  
June 1, 1981

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# Kaanapali Ocean Waters

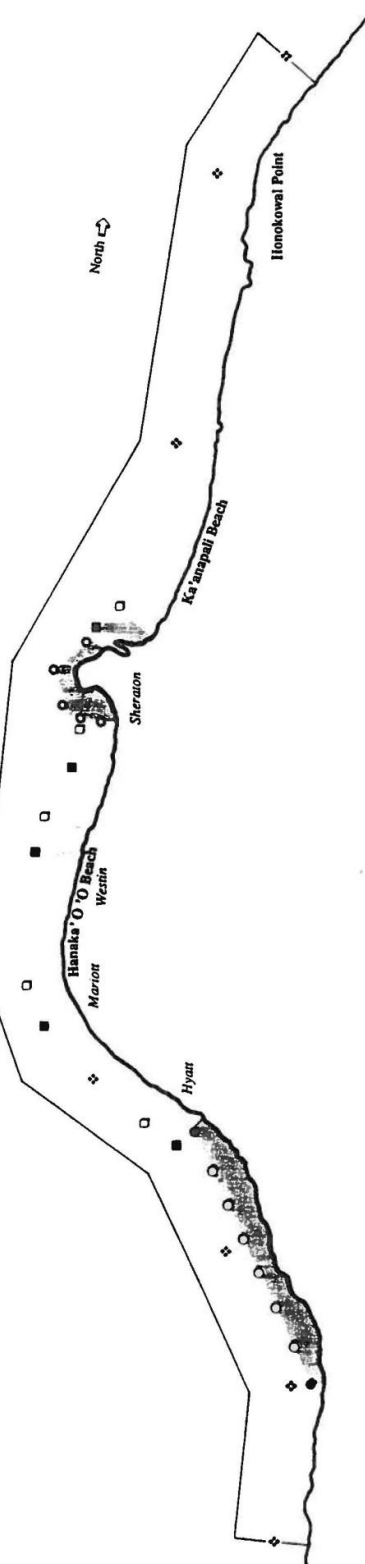
- ◆ Controlled Area Buoys at 500 ft. mark
- Ingress / Egress Channel
- Red buoys at 500 ft. mark
- Ingress / Egress Channel
- Green buoys at 500 ft. mark
- Zone "A" Swimming Area
- Buoys at 200 ft. mark off Hanaka'o'o Beach and Waihiwai Park
- Zone "A" Swimming Area
- Buoys in line with end of area buoys, approximately 1,000 ft. apart
- ⊙ Zone "B" Swimming Area Buoys at 200' mark (around Kekaa Rock)

◆ 500' Buoys

All vessels must not exceed 5 knots within the 500' buoys nor may any commercial motorboat navigate within that area with two exceptions:

1. Ingress / Egress area
2. Commercial Fishing boats may enter if no swimmers.

Must Have Permit to Operate Within This Area



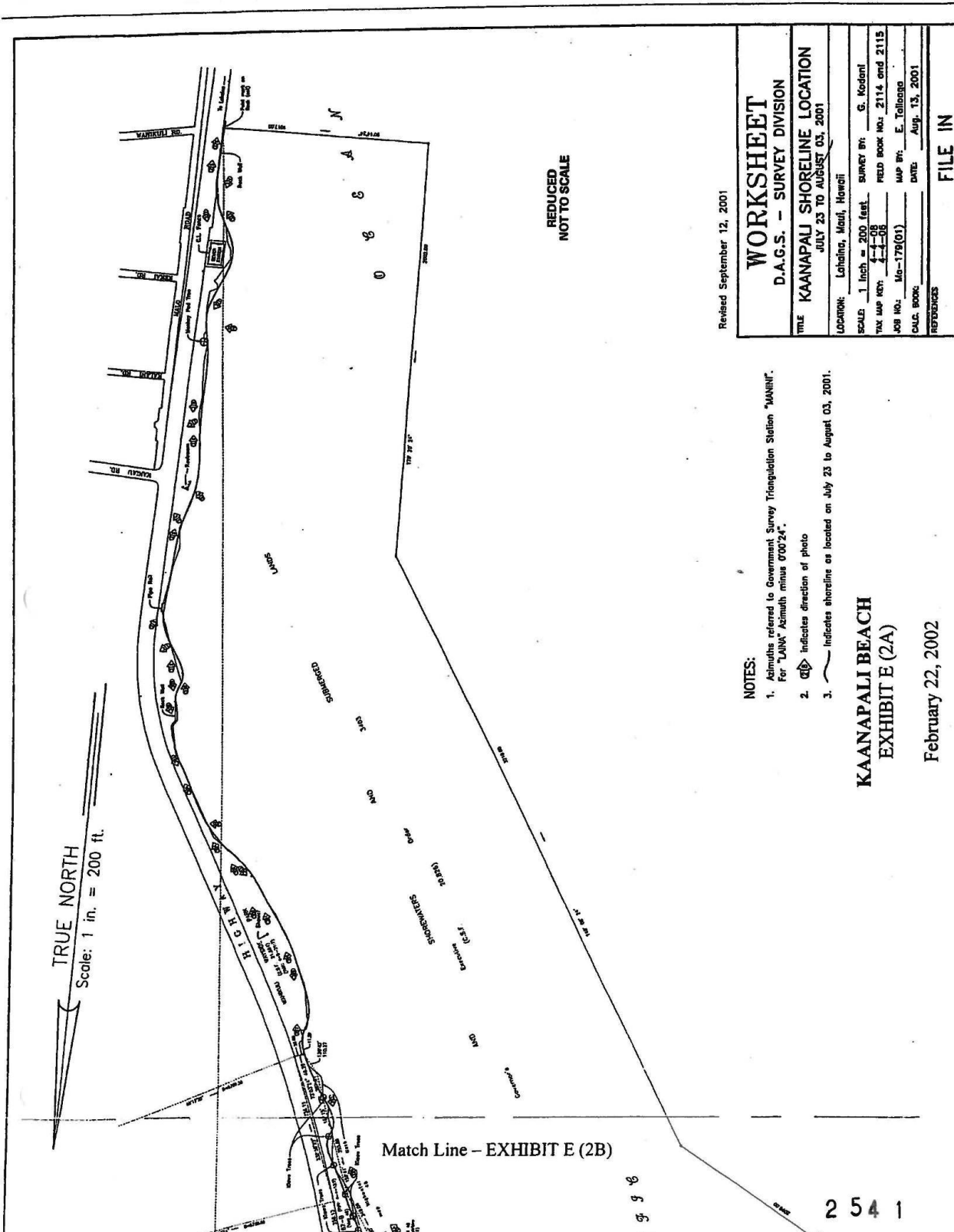
MAUI

KAANAPALI OCEAN WATERS

EXHIBIT E ( 1 )

JULY 9, 1984

1730



NOTES:

1. Azimuths referred to Government Survey Triangulation Station "MANINI". For "LANA" Azimuth minus 0°00'24".
2. indicates direction of photo
3. indicates shoreline as located on July 23 to August 03, 2001.

KAANAPALI BEACH  
EXHIBIT E (2A)

February 22, 2002

Revised September 12, 2001

WORKSHEET

D.A.G.S. - SURVEY DIVISION

KAANAPALI SHORELINE LOCATION

JULY 23 TO AUGUST 03, 2001

LOCATION: Lehaina, Maui, Hawaii

SCALE: 1 inch = 200 feet SURVEY BY: G. Kodent

TAX MAP NO: 4-4-08 FIELD BOOK NO: 2114 and 2115

JOB NO: Ma-178(01) MP BY: E. Telleaga

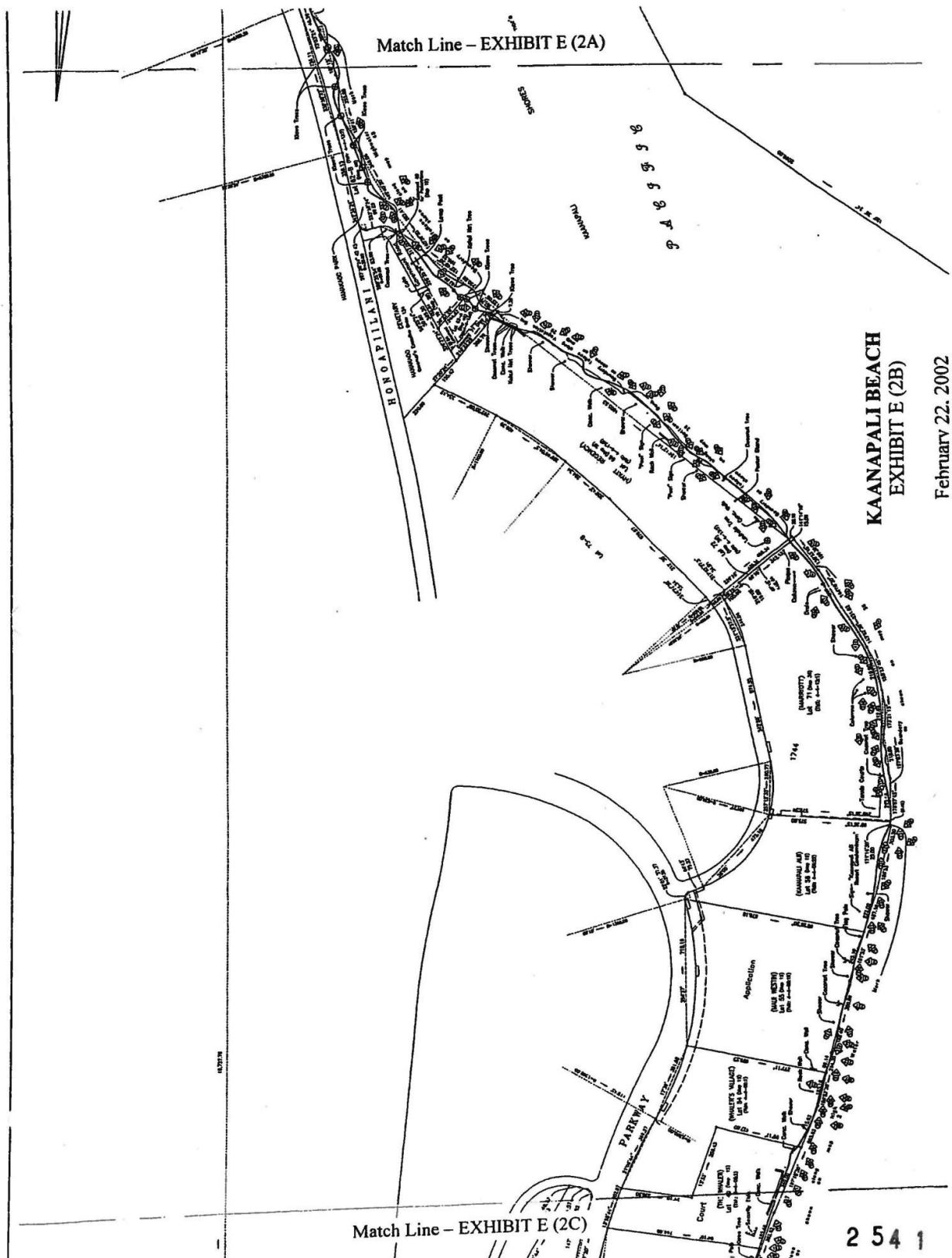
CALC. BOOK: DATE: Aug. 13, 2001

REFERENCES

FILE IN

Match Line - EXHIBIT E (2B)

2541





TRUE NORTH

Scale: 1 in. = 200 ft.

Match Line - EXHIBIT E (2B)

Match Line - EXHIBIT E (2D)

KAANAPALI BEACH  
EXHIBIT E (2C)

February 22 2007

2154.1

